

AMENDED IN ASSEMBLY JUNE 23, 2014

AMENDED IN ASSEMBLY JUNE 9, 2014

AMENDED IN ASSEMBLY MAY 14, 2014

AMENDED IN SENATE APRIL 25, 2013

AMENDED IN SENATE APRIL 1, 2013

SENATE BILL

No. 578

Introduced by Senator Wyland

February 22, 2013

An act to add Sections 4980.49, 4989.51, 4993, and 4999.75 to the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 578, as amended, Wyland. Behavioral sciences: records retention.

Existing law provides for the licensure or registration and the regulation of marriage and family therapists, licensed educational psychologists, licensed clinical social workers, and licensed professional clinical counselors by the Board of Behavioral Sciences, and makes a violation of those laws a misdemeanor.

This bill would require, for a client or patient whose therapy is terminated on or after January 1, 2015, a marriage and family therapist, licensed educational psychologist, licensed clinical social worker, or licensed professional clinical counselor to retain the client's or patient's health service records for a minimum of 7 years from the date therapy is terminated. The bill would, in this regard, require a minor client's or minor patient's health service records to be retained for a minimum of 7 years from the date the client or patient reaches 18 years of age. *The bill would authorize records to be retained in either a written or an*

electronic format. Because a violation of these requirements would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4980.49 is added to the Business and
2 Professions Code, to read:

3 4980.49. (a) A marriage and family therapist shall retain a
4 client's or patient's health service records for a minimum of seven
5 years from the date therapy is terminated. If the client or patient
6 is a minor, the client's or patient's health service records shall be
7 retained for a minimum of seven years from the date *the* client or
8 the patient reaches 18 years of age. *Health service records may*
9 *be retained in either a written or an electronic format.*

10 (b) This section shall apply only to the records of a client or
11 patient whose therapy is terminated on or after January 1, 2015.

12 SEC. 2. Section 4989.51 is added to the Business and
13 Professions Code, to read:

14 4989.51. (a) A licensed educational psychologist shall retain
15 a client's health service records for a minimum of seven years
16 from the date therapy is terminated. If the client is a minor, the
17 client's health service records shall be retained for a minimum of
18 seven years from the date the client reaches 18 years of age. *Health*
19 *service records may be retained in either a written or an electronic*
20 *format.*

21 (b) This section shall apply only to the records of a client whose
22 therapy is terminated on or after January 1, 2015.

23 SEC. 3. Section 4993 is added to the Business and Professions
24 Code, immediately following Section 4992.10, to read, to read:

25 4993. (a) A licensed clinical social worker shall retain a client's
26 or patient's health service records for a minimum of seven years
27 from the date therapy is terminated. If the client or patient is a
28 minor, the client's or patient's health service records shall be

1 retained for a minimum of seven years from the date the client or
2 patient reaches 18 years of age. *Health service records may be*
3 *retained in either a written or an electronic format.*

4 (b) This section shall apply only to the records of a client or
5 patient whose therapy is terminated on or after January 1, 2015.

6 SEC. 4. Section 4999.75 is added to the Business and
7 Professions Code, to read:

8 4999.75. (a) A licensed professional clinical counselor shall
9 retain a client's or patient's health service records for a minimum
10 of seven years from the date therapy is terminated. If the client or
11 patient is a minor, the client's or patient's health service records
12 shall be retained for a minimum of seven years from the date the
13 client or patient reaches 18 years of age. *Health service records*
14 *may be retained in either a written or an electronic format.*

15 (b) This section shall apply only to the records of a client or
16 patient whose therapy is terminated on or after January 1, 2015.

17 SEC. 5. No reimbursement is required by this act pursuant to
18 Section 6 of Article XIII B of the California Constitution because
19 the only costs that may be incurred by a local agency or school
20 district will be incurred because this act creates a new crime or
21 infraction, eliminates a crime or infraction, or changes the penalty
22 for a crime or infraction, within the meaning of Section 17556 of
23 the Government Code, or changes the definition of a crime within
24 the meaning of Section 6 of Article XIII B of the California
25 Constitution.